

### REMARKS

Reconsideration of the rejections set forth in the Office action mailed March 19, 2004 is respectfully requested.

#### I. Amendments

The independent claims (28 and 41) have been amended to recite that the antisense morpholino compound comprises the sequence identified as SEQ ID NO: 1 and has phosphorodiamidate linkages. Accordingly, dependent claims 29, 31, 42 and 44 are canceled, and dependent claims 30 and 43 are amended. Independent claim 28 is further amended to specify that the patient is a human patient.

#### II. Rejections under 35 U.S.C. §103(a)

Claims 28-48 (all pending claims) were rejected under 35 U.S.C. §103(a) as being unpatentable over Zalewski *et al.*, U.S. Patent No. 6,159,946, in view of Kobayashi *et al.* (*Osaka Daigaku Zasshi* 47(6-12), Abstract, 1995), Summerton *et al.* (U.S. Patent No. 5,378,841), Agrawal *et al.* (U.S. Patent No. 5, 912,332), and Burger (WO 98/46740).

The rejection from the previous Office Action was reiterated, in view of the Examiner's contention (pages 7-8 of Office Action) that the "patient" of the previous claims could encompass a non-human animal model, as shown in the Zalewski reference. The Examiner acknowledged unexpected results demonstrated with administration of a phosphorodiamidate morpholino compound comprising SEQ ID NO: 1 for treatment of a human patient (page 7 of Office Action). Because the independent claims have been limited in accordance with this embodiment, the applicants respectfully request that the rejections under 35 U.S.C. §103(a) be withdrawn.

#### III. Conclusion

In view of the foregoing, the applicant submits that the claims now pending are now in condition for allowance. A Notice of Allowance is, therefore, respectfully requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4403.

Respectfully submitted,



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